

SIMPSON THACHER & BARTLETT LLP

425 LEXINGTON AVENUE
NEW YORK, NY 10017-3954
(212) 455-2000

FACSIMILE (212) 455-2502

DIRECT DIAL NUMBER
(212) 455-2235

E-MAIL ADDRESS
bfriedman@stblaw.com

VIA ECF

December 11, 2015

Re: *Certain Underwriters at Lloyd's, London v. Cox Enters., Inc., et al., No. 15-cv-09537 (S.D.N.Y.)*

The Honorable Analisa Torres
United States District Court
Southern District of New York
Daniel Patrick Moynihan U.S. Courthouse
500 Pearl Street
New York, NY 10007

Dear Judge Torres:

We represent Plaintiff Certain Underwriters at Lloyd's, London, Syndicates 623 and 2623 subscribing to policy W132E4140301 ("Underwriters") in the above-referenced action. We write on behalf of all parties, including defendants Cox Enterprises, Inc.; Cox Communications, Inc.; and CoxCom, LLC (collectively, "Cox"), to request that this Court so-order the attached Stipulation and Order Remanding Case to New York Supreme Court Pursuant to 28 U.S.C. § 1447(c).

On November 22, 2015, Underwriters commenced this action in the Supreme Court of the State of New York, County of New York at Index No. 653849/2015. Underwriters seek a declaratory judgment that they are not obligated to provide insurance coverage to Cox for claims alleging Cox committed contributory and vicarious copyright infringement.

On December 7, 2015, Cox removed the action to this Court on the basis of 28 U.S.C. § 1332(a)(2), so-called alienage jurisdiction. The next day Underwriters wrote to Cox contending a lack of federal subject matter jurisdiction. Although Cox disagreed with Underwriters' contention, on December 9, 2015, Cox informed Underwriters that it would agree to execute a stipulation and request that this Court remand this litigation to New York state court.

SIMPSON THACHER & BARTLETT LLP

The Honorable Analisa Torres

-2-

December 11, 2015

The parties respectfully request that the Court so-order the attached Stipulation and remand this action to the Supreme Court of New York. The parties are available to discuss this issue at the Court's convenience.

Respectfully submitted,



Bryce L. Friedman

Attachment

cc: David E. Wood, Esq.
Joshua B. Rosenberg, Esq.
Edward J. Stein, Esq.
Raymond A. Mascia Jr., Esq.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CERTAIN UNDERWRITERS AT LLOYD'S,
LONDON,

Plaintiff,

v.

COX ENTERPRISES, INC., COX
COMMUNICATIONS, INC., AND COXCOM,
LLC,

Defendants.

Case 1:15-cv-09537 (AT)

**STIPULATION AND ORDER
REMANDING CASE TO NEW
YORK SUPREME COURT
PURSUANT TO 28 U.S.C. § 1447(c)**

ECF CASE

WHEREAS on November 22, 2015 plaintiff Certain Underwriters at Lloyd's, London filed this action in the Supreme Court of the State of New York, County of New York (Index No. 653849/2015) (the "New York Action"); and

WHEREAS on December 7, 2015 defendants Cox Enterprises, Inc., Cox Communications, Inc., and CoxCom LLC removed the New York Action to the United States District Court for the Southern District of New York on the basis of diversity of citizenship under 28 U.S.C. § 1332(a)(2); and

NOW IT IS HEREBY STIPULATED AND AGREED by and between Plaintiff and Defendants, the parties to the above-captioned action, that this action be remanded to and this dispute proceed to be decided in the Supreme Court of the State of New York, County of New York, pursuant to 28 U.S.C. § 1447(c), and that all pending motions in this action be withdrawn without prejudice.

Dated: December 11, 2015
New York, New York

ANDERSON KILL P.C.

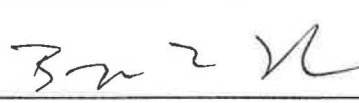
By: 

Edward J. Stein
Raymond A. Mascia Jr.

1251 Avenue of the Americas
New York, NY 10020-1182
Telephone: (212) 278-1000
Facsimile: (212) 278-1733
estein@andersonkill.com
rmascia@andersonkill.com

*Attorneys for Cox Enterprises, Inc., Cox
Communications, Inc., and
CoxCom LLC*

SIMPSON THACHER & BARTLETT LLP

By: 

Bryce L. Friedman
Nicholas S. Davis

425 Lexington Avenue
New York, New York 10017-3954
Telephone: (212) 455-2000
Facsimile: (212) 455-2502
bfriedman@stblaw.com
ndavis@stblaw.com

*Attorneys for Certain Underwriters
at Lloyd's, London*

SO ORDERED.

Dated: New York, New York
December __, 2015

Hon. Analisa Torres
United States District Judge